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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,464	11/05/2003	Yukihiro Moriyama	742421-90	8806

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WASHINGTON, DC 20004-2128

EXAMINER
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COLETTA, LORI L


ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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 <b>Office Action Summary</b>	Application No. 10/700,464	Applicant(s) MORIYAMA, YUKIHIRO	
	Examiner Lori L. Coletta	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.  
 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-10 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11052003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. Figure 14 should be designated by a legend such as --**Prior Art**-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Reference character **W** in **Figure 9** is not mentioned in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. The abstract of the disclosure is objected to because
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, "a front checker plate having one end pivotally mounted on the bracket and the other end and a main body" (lines 4-6) is not clear. What is the other end of the front checker plate mounted to?

Regarding claim 8, "a rear checker plate having one end pivotally mounted on the bracket and the other end and a main body" (lines 4-6) is not clear. What is the other end of the rear checker plate mounted to?

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Schonitzer 2,043,976.

Regarding claim 1, Schonitzer '976 discloses a side door structure of a vehicle of which side opening are covered by a front door (10) swingably supported by a door hinge (13) located at the front of the front door and by a rear door (11) swingably supported by a door hinge (15) located at the rear of the rear door, said side door structure comprising a front door checker for holding the front door at an open position situated on the outside of but close to a swing trajectory of the rear door.

Regarding claim 4, Schonitzer '976 discloses the side door structure further comprising a rear door checker for holding the rear door at an open position situated on the outside of but close to a swing trajectory of the front door.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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10. Claims 2, 3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schonitzer 2,043,976 in view of Matsuki et al. 6,813,811.

Regarding claim 2, Schonitzer '976 discloses the side door structure but does not show wherein the front door checker can hold the front door at multiple open positions, and the open position where the front door is held at a minimum opening angle is situated on the outside of but close to the swing trajectory of the rear door.

Matsuki et al. '811 teaches a front door checker can hold the front door at multiple open positions, and the open position where the front door is held at a minimum opening angle is situated on the outside of but close to the swing trajectory of the rear door.

Regarding claim 2, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the side door structure of Schonitzer '976 with a front door checker can hold the front door at multiple open positions, and the open position where the front door is held at a minimum opening angle is situated on the outside of but close to the swing trajectory of the rear door, as taught by Matsuki et al. '811, in order to retain the door at the opening limit.

Regarding claim 3, Schonitzer '976 discloses the side door structure but does not show wherein the front door checker can hold the front door at least at two open positions situated at least at two open positions situated at opening angles larger than the minimum opening angle.

Matsuki et al. '811 teaches a the front door checker can hold the front door at least at two open positions situated at least at two open positions situated at opening angles larger than the minimum opening angle.

Regarding claim 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the side door structure of Schonitzer '976 with the front door checker can hold the front door at least at two open positions situated at least at two open positions situated at opening angles larger than the minimum opening angle, as taught by Matsuki et al. '811, in order to retain the door at the opening limit.

Regarding claim 5, Schonitzer '976, as modified, discloses the side door structure wherein the front door checker includes a bracket fixed to a vehicle body; a holder fixed inside a frontal part of the front door; and a front checker plate having one end pivotally mounted on the bracket and a main body extending between said one end and the other end, extending through an opening formed in the holder.

Regarding claim 6, Schonitzer '976, as modified, discloses the side door structure wherein said main body portion of the front checker plate has a plurality of protruding portions and a plurality of recessed portions along the extending direction of the main body and a clamping member is provided in the holder such that said clamping member has a portion which is in press-contact with the main body of the front checker plate.

Regarding claim 7, Schonitzer '976, as modified, discloses the side door structure wherein the clamping member is provided at an upper and a lower portions in the holder, an elastic member is interposed between the top inner wall of the holder and the upper clamping member and between the bottom inner wall of the holder and the lower clamping member such that said main body of the front checker plate is interposed between the upper clamping member and the lower clamping member.

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Regarding claim 8, Schonitzer '976 discloses the side door structure but does not show wherein the rear door checker includes a bracket fixed to a vehicle body; a holder fixed inside a rear part of the rear door; and a rear checker plate having one end pivotally mounted on the bracket and a main body extending between said one end and the other end, extending through an opening formed in the holder.

Matsuki et al. '811 teaches a door checker including a bracket (7) fixed to a vehicle body (B); a holder (1) fixed inside the door (D); and a checker plate (6) having one end pivotally mounted on the bracket and a main body extending between said one end and the other end, extending through an opening formed in the holder in Figure 4.

Regarding claim 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the side door structure of Schonitzer '976 with a rear door checker includes a bracket fixed to a vehicle body; a holder fixed inside a rear part of the rear door; and a rear checker plate having one end pivotally mounted on the bracket and a main body extending between said one end and the other end, extending through an opening formed in the holder, as taught by Matsuki et al. '811, in order to prevent the quick opening of the door to the opening limit against a user's wish.

Regarding claim 9, Schonitzer '976, as modified, discloses the side door structure wherein said main body portion of the front checker plate has a plurality of protruding portions and a plurality of recessed portions along the extending direction of the main body and a clamping member is provided in the holder such that said clamping member has a portion which is in press-contact with the main body of the rear checker plate.



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Regarding claim 10, Schonitzer '976, as modified, discloses the side door structure wherein the clamping member is provided at an upper and a lower portions in the holder, an elastic member is interposed between the top inner wall of the holder and the upper clamping member and between the bottom inner wall of the holder and the lower clamping member such that said main body of the rear checker plate is interposed between the upper clamping member and the lower clamping member.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other door checkers similar to that of the current invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

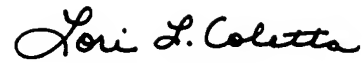
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink that reads "Lori L. Coletta". The signature is written in a cursive style with a large initial 'L'.

Lori L. Coletta  
Primary Examiner  
Art Unit 3612

llc

February 16, 2005